

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
to Establish Market Values for and Sell its
Generation-Related Assets Located in Rodeo,
Martinez and Antioch Pursuant to Public Utilities
Code Sections 367(b) and 851. (U 39 M)

Application 00-05-032
(Filed May 15, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUESTING ADDITIONAL INFORMATION**

This request for information concerns the Rodeo and Martinez properties. The Rodeo property is a 23.8 acre parcel that had a 100 MW steam generation plant on the property until it was removed in 1997. Likewise, the Martinez property is a 11 acre parcel that had a 40 MW steam generation plant on the property until it was removed in 1996.

Pub. Util. Code § 377 provides in pertinent part:

“Notwithstanding any other provision of law, no facility for the generation of electricity owned by a public utility may be disposed of prior to January 1, 2006. The commission shall ensure that public utility generation assets remain dedicated to service for the benefit of California ratepayers.”¹

¹ Assembly Bill 6 from the 2001-2002 Extraordinary Session amended § 377, adding the prohibition on sales of facilities for generation of electricity through year-end 2005.

It appears that the fundamental purpose of § 377 is to ensure that “public utility generation assets remain dedicated to service for the benefit of California ratepayers.” Moreover, § 377 does not define “generation assets.”

Question: Are the Rodeo or Martinez sites suitable for building new power plants? Do these properties qualify as “generation assets”? If so, does § 377 preclude the sale of these properties until 2006? Does the public interest require that these sites “remain dedicated to service for the benefit of California ratepayers” in case they are needed for future power plants?

Please provide this information as soon as it becomes available.

Dated November 8, 2002, at San Francisco, California.

/s/ BERTRAM D. PATRICK

Bertram D. Patrick

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requesting Additional Information on all parties of record in this proceeding or their attorneys of record.

Dated November 8, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.